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## OCHSNER LINKS DEATH, SMOKING

Testifies on Views on  
Cancer, Cigarettes

Dr. Alton Ochsner testified Thursday in federal court that he has "concluded conclusively" that there is a relationship between lung cancer and cigarette smoking.

The specialist in lung surgery was on the witness stand the entire day in a trial in which a Houston widow is suing two tobacco firms on the grounds that her husband's death from lung cancer in 1955 was caused by his cigarette smoking.

The entire morning session and for a short while after the luncheon recess Dr. Ochsner was under direct examination by H. Alva Brumfield, an attorney for Mrs. Victoria St. Pierre Lartigue, who formerly resided in Franklin.

She is suing the R. J. Reynolds Tobacco Company and the Liggett and Myers Tobacco Company. Her husband, Frank Lartigue, died at the age of 65 after smoking since he was nine years old, according to testimony in the case.

When court was recessed by Judge Herbert W. Christenberry at 5:30 p. m., Dr. Ochsner was under cross-examination by Theodore Kienell, New York attorney who represents the Reynolds firm. Because Dr. Ochsner is scheduled to leave the city for a trip abroad, Judge Christenberry said that his cross-examination will be resumed at 9 a. m. Friday, an hour earlier than court usually convenes.

During Dr. Ochsner's direct examination he reviewed his research on lung cancer and said that there are now two types of physicians who do not agree with his findings as to the relationship between smoking and lung cancer. He said these are the ones who work for tobacco companies and those who are smoking addicts.

He also testified that he believed that the lung cancer which caused Frank J. Lartigue's death was caused by his smoking of cigarettes.

On cross examination, Dr. Ochsner denied that he has "an aversion to smoking." He said: "I'm frightened. I'm opposed to smoking for health reasons."

## DR. OCHSNER TELLS OF CANCER CHECKS

When Dr. Ochsner took the stand, he described himself as a specialist in surgery and said that he has taken particular interest in lungs. He testified that he has had over 400 of his scientific papers published, about 50 of them dealing with lung cancer, as well as two popular books on the subject of smoking in relation to health and lung cancer.

During almost half an hour consumed in the questioning of Dr. Ochsner concerning his qualifications, he brought out that he has personally seen about 2000 lung cancer patients and has operated on about half that number. The other half, he asserted, were cases which had gone so far that nothing would have been accomplished by an operation.

Of the patients he has seen, the witness said, about 85 per cent have had squamous cell cancers caused by cigarette smoking. The other 12 to 15 per cent had cancers of another type which he did not attribute to smoking.

Under the questioning by Brumfield, Dr. Ochsner testified that in 1934 he was the third person to successfully remove a lung.

Asked by the plaintiff's attorney how many of the 2000 patients he saw were alive after five years, the physician replied:

"The number is pitifully low. There is only a five per cent survival rate." Of those he operated on, Dr. Ochsner said that about 15 per cent were still alive after five years.

He told the jury that he first became interested in the causal relationship between cigarette smoking and lung cancer in the late 1930s and wrote the first article on the subject in 1939.

## STUDIES OF CASE HISTORIES TOLD

"At that time I only had an opinion of the relationship," he testified and he read from that first article in which he had referred to the increase in cigarette smoking as "a probable factor" in the increase of lung cancer.

He read from an article written later in the same year in which he said: "It is our conviction that pulmonary carcinoma is due largely to the increase in smoking."

The witness quoted from several other articles written from 1939 through 1945 in which the same opinion was expressed. After more studies, he said, he "concluded conclusively" that there is a causal relationship.

Dr. Ochsner testified, however, that there was a period between 1946 and 1948 during which time certain studies were made that he wrote articles in which he said that no factors were found which would bear out a determination of a causal relationship.

These studies were based on case histories taken from patients at Charity hospital and Touro Infirmary. He said that it was later determined that these hospital records regarding smoking histories were not correct.

"If we asked a patient if he smoked he would say 'no,' and we would find out that he had stopped the day before. We learned that we had to have specific smoking records. People suspected of having cancer apparently were ashamed of their smoking," Dr. Ochsner told the court.

## SAYS 85 PER CENT DUE TO SMOKING

The defects in the hospital records were not discovered until 1949, the witness said, and it was then that a special smoking history form was devised for cancer patients.

In a publication in 1950, he testified, he pointed to the incidence of lung cancer as being due to an increase in the use of cigarettes. "In every publication since then I have consistently said that there is evidence of a causal relationship," Dr. Ochsner asserted.

He testified that during the past year between 30,000 and 40,000 persons have died of lung cancer, 85 per cent of it due to smoking.

The doctor read from a paper he published in 1951 predicting that lung cancer caused by smoking would eventually become the most common form and he said that the prediction has come true.

He also read from a 1953 paper in which he said that it was important that lung cancer be considered in every man past 40 who had smoked one pack of cigarettes a day for 20 years.

Dr. Ochsner testified that at first researchers thought that men had a special susceptibility to lung cancer. They are now convinced that this is not the case and that lung cancer is showing an increase in women as their smoking habits increase, he added.

He said that unfortunately there is no early way to recognize lung cancer and that everyone who smokes should have an X-ray made of his lungs every three months.

The first symptoms, the witness said, are usually in the form of coughing, but unfortunately, smokers usually have

a cough already and disregard it.

## BLAMES LARTIGUE'S DEATH ON SMOKING

Dr. Ochsner was asked by Brumfield if he had examined the autopsy report of Lartigue, the deceased husband of the plaintiff. He replied that he had and that it was his opinion that Lartigue died of epidermoid cancer which was caused by smoking.

The expert said that he has the same opinion of the causal relationship of smoking to cancer of the larynx, but "cannot speak authoritatively on that subject."

Dr. Ochsner related the results of a study made on Charity hospital patients in 1954 in which the non-smokers were revealed to have normal mucous membrane whereas in the smokers definite changes were seen in the bronchial mucous membrane. He described these as pre-cancerous changes.

Smokers' mucous membranes, he said, begin to resemble skin, it becomes tough, cancer develops and extends through the bronchial wall.

He claimed that experience has shown that as smoking decreases there is a reversal of this process. "We know there is a reversal of the process in the larynx because we can see it," Dr. Ochsner said.

He testified that he believed that there are smoking addicts and defined an addict as "one not being able to give up a habit."

The doctor added, "I have seen several patients who had severe arterial diseases who I told that if they did not stop smoking they would lose their extremities, and they did not stop and they did lose their extremities."

## HOLDS EVIDENCE IS 'OVERWHELMING'

The surgeon said that at the beginning of his investigations his opinions as to the causal effects of smoking in relation to cancer of the lung were "pretty nebulous," but that since that time he has considered the evidence "overwhelming."

There are two types of physicians who do not admit the relationship, he told the jury. "They are the employees of the tobacco companies and those who are addicted."

He asserted that in forming his opinions he relied on two "prospective" studies made by other scientists which he considered much better than his "retrospective" studies. The "prospective" studies were concerned with large numbers of normal people whose histories were followed for several years to see what happened to them.

In respect to animal experimentation, Dr. Ochsner said that such

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studies have been used in part as the basis for his opinions and the experiments have supported his clinical experience.

He produced a microscopic slide of a section of lung tissue taken from Lartigue at autopsy as well as X-rays made of Lartigue's lungs taken when he was a patient at Foundation hospital.

Dr. Ochsner identified the cancer of the right lung for the jury and testified that Lartigue had an epidermoid or squamous cell cancer of the lung.

After hearing Brumfield read a history of Lartigue's personal life, including his smoking habits, the doctor was asked his opinion as to what caused the lung cancer.

"I believe it was excessive smoking. I believe the cancer of his larynx was also caused by smoking," he replied.

#### ANSWERS QUESTIONS ABOUT 'OTHER FACTS'

On cross examination, Dr. Ochsner, in answer to a question by Kiendl, said that he had assumed that all of the facts recited by Brumfield as to Lartigue's personal history and smoking habits were true. He said that he seen Lartigue's history.

"It doesn't matter what all of the other facts were, if the two cardinal factors, smoking and cancer, were there, your answer would be the same, all of the other facts would be surpluses?" Kiendl asked.

The witness answered, "Yes."

Dr. Ochsner said that no matter what diseases of the respiratory tract Lartigue might have had, he would not change his opinion as to the cause of the cancer of the lung.

"Tuberculosis would not make any difference. Our experience shows no relationship between tuberculosis and cancer of the lung," he answered Kiendl.

Lartigue's history shows that he suffered from tuberculosis and a number of other diseases in his early life.

"Is it fair to state that you have a profound aversion to smoking?" Kiendl asked Dr. Ochsner.

"No, I am frightened. I have no aversion to smoking. As a physician I am frightened as to what it does," the witness answered.

Asked about whether or not he has smoked, Dr. Ochsner said that he smoked about a dozen cigarettes when he was 21 years old. "My father asked me not to until I was 21 and I had a great respect for him and did not. I tried it,

it tasted so vile I didn't again," he asserted.

#### NO 'MYSTERY' ABOUT CANCER—OCHSNER

Kiendl then asked the doctor if he had ever testified that he had never smoked in his life and Dr. Ochsner replied, "No, I don't believe I did."

Later in the cross examination Kiendl produced an article and read it in which he quoted Dr. Ochsner as saying, "I have never smoked and if I had I cannot imagine myself continuing after looking at a cancer."

A great portion of the cross-examination was taken up with the introduction of articles written by Dr. Ochsner as late as 1949 in which the defense attorney claimed that the doctor had stated that the definite cause of lung cancer was not known and much of the research was "obscure."

With the production of every one of these articles Dr. Ochsner claimed that the defense attorney was lifting certain portions out of context.

Dr. Ochsner was asked: "Isn't it true that the mystery of cancer has never been solved?" He answered: "There isn't any mystery about cancer."

In connection with Dr. Ochsner's testimony concerning the use of the prospective studies which he used to support his opinions, Kiendl produced testimony from another trial in which the conductor of one of these studies testified and attempted to show that the testimony proved that the studies did not show a relationship between lung cancer and smoking.

Dr. Ochsner denied any knowledge of the testimony and when shown an article written by the same researcher and asked to point out any direct statement concerning such a relationship, the witness said that he could not, but called attention to a graph showing what he said was a comparison of the mortality rate of smokers and nonsmokers.

Dr. Ochsner said that there is no connection between nicotine and lung cancer. He said that it does, however, produce severe conditions in the lungs "almost as devastating."

He defined excessive smoking as one package of cigarettes a day or more and added, "You are never safe until you stop."

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